

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number
(Optional)
2G02.1-082 1

First Named Inventor: LeVAUGHN et al.

International (PCT) Application No.: PCT/US2004/026981

U.S. Application No.: 10/569,021
(if known) filed February 17, 2006
(US Filing Date)

Filed: August 19, 2004 (Intl. Filing Date)

Title: BLOOD SAMPLING DEVICE

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$ 770 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

01/30/2006 GFREY1 00000059 10569021

01 FC:245 770.00 DP

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of
Response to Notification of Missing Req. _____ (identify type of reply):

☒ has been filed previously on Dec. 5, 2006 (Petition to Accept Signature of Non-Signing Inv)

☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

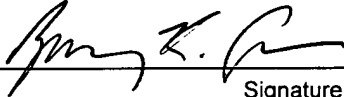
☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

 _____ Signature	1/24/2008 _____ Date
Bradley K. Groff _____ Typed or Printed Name	39,695 _____ Registration Number, if applicable
GARDNER GROFF GREENWALD & VILLANUEVA, PC _____ Address	(770) 984-2300 _____ Telephone Number
2018 Powers Ferry Rd, Ste 800, Atlanta, GA 30339 _____ Address	

Enclosures: ☒ Response
☒ Fee Payment
☐ Terminal Disclaimer
☒ Other (please identify):
 Small Entity Statement
 Return Receipt Postcard

COPY

Serial No.: 10/569,021
Attorney Docket No.: 2G02.1-082 1
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: LeVAUGHN et al.)	
)	Conf. No.: 9120
Serial No.: 10/569,021)	
)	Group Art Unit: 3731
Filed: February 17, 2006)	
)	Examiner: unassigned
For: BLOOD SAMPLING DEVICE)	
)	

**PETITION TO ACCEPT SIGNATURE BY CO-INVENTOR ON BEHALF OF INVENTOR
WHO REFUSES TO JOIN IN APPLICATION OR CANNOT BE REACHED**
(37 C.F.R § 1.47(a))

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

GARDNER GROFF
SANTOS & GREENWALD, P.C.
2018 Powers Ferry Road
Parkwood Point, Suite 800
Atlanta, Georgia 30339

December 5, 2006

This is a Petition under 37 C.F.R §1.47(a) to accept signature of the Declaration by joint inventors on behalf of Mitchell A. Solis, a non-signing joint inventor who cannot be found or reached after diligent effort.

This Petition is accompanied by the \$130 fee set forth in 37 C.F.R §1.17(h). The Commissioner is authorized to charge any additional fees due or credit any overpayment to Deposit Account 50-1513.

The Declaration signed by the available joint inventors is enclosed, with the signature line for the non-signing inventor left blank, and is to be treated as having been signed by the available joint inventors on behalf of the non-signing inventor. MPEP §409.03(a)(A).

The last known address for the non-signing joint inventor is:

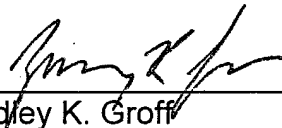
Mitchell A. Solis
1975 Lexington Lane
Cumming, Georgia 30004

The following statement and attachments provide proof of the pertinent facts supporting this Petition:

- (1) On November 8, 2006, the undersigned, acting as counsel for the assignee of this application, forwarded a copy of the application to the non-signing joint inventor, Mitchell A. Solis, along with an inventors' declaration for signature by Mr. Solis. A copy of the correspondence forwarding these materials, along with tracking information from FedEx regarding delivery of the correspondence is attached as Attachment 1 hereto.
- (2) In addition to the written communication, our office has attempted on numerous occasions to contact Mr. Solis by telephone, leaving numerous voicemails requesting a call back. These calls to Mr. Solis have not been returned.
- (3) To date, none of our attempts to reach Mr. Solis and obtain his signature have been successful.

Being warned that willful false statements and the like are punishable by fine or imprisonment or both (18 U.S.C. §1001), and may jeopardize the validity of the application or any patent issuing thereon, all statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true.

Respectfully submitted,




Bradley K. Groff
Registration No. 39,695

Customer No.: 23506
GARDNER GROFF SANTOS & GREENWALD, P.C.
2018 Powers Ferry Road
Parkwood Point, Suite 800
Atlanta, Georgia 30339
Tel: 770/984-2300
Fax: 770/984-0098

Certificate of Mailing (37 C.F.R. §1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.



Bradley K. Groff

12/5/2006

Date

ARTHUR A. GARDNER
BRADLEY K. GROFF
JOHN W. GREENWALD
DANIEL J. SANTOS

GARDNER GROFF

GARDNER GROFF SANTOS & GREENWALD, PC

PATENT, TRADEMARK AND COPYRIGHT LAW AND RELATED MATTERS EXCLUSIVELY

JOHN M. HARMAN*
MICHELLE E. KANDCER
LAWRENCE D. MAXWELL
LAWRENCE A. VILLANUEVA, PH.D.
JOSEPH W. STALEY

* OTHER BARS ONLY

November 8, 2006

Mitchell A. Solis
1975 Lexington Lane
Cumming, Georgia 30004

Via Federal Express
Tracking #: 8526 1666 5546

Re: U.S. National Phase Patent Application for
BLOOD SAMPLING DEVICE
Serial No.: 10/569,021
Filing Date: February 17, 2006
Our File No.: 2G02.1-082 1

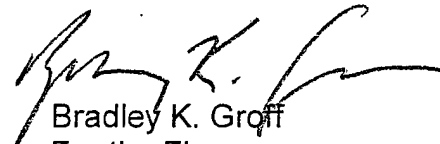
Dear Mitch:

Enclosed is a Declaration for the above-identified U.S. patent application, which you worked with while at Facet. A copy of the application is enclosed for your review prior to executing the document.

Please sign and date the Declaration where indicated and return it to me for filing with the Patent Office. For your convenience, I have enclosed a stamped return envelope to return the signed document to me.

Thank you in advance for your assistance. Please give me a call if you have any questions or concerns.

Very truly yours,



Bradley K. Groff
For the Firm

BKG:rjh
Enclosure

Track Shipments
Detailed Results[? Quick Help](#)

Tracking number	852616665546	Reference	2G02 1-0821
Signed for by	Signature release on file	Delivered to	Residence
Ship date	Nov 8, 2006	Service type	Standard Envelope
Delivery date	Nov 9, 2006 2:03 PM		
Status	Delivered		

Date/Time	Activity	Location	Details
Nov 9, 2006	2:03 PM	Delivered	Left at front door. Package delivered to recipient address - release authorized
	8:23 AM	On FedEx vehicle for delivery	ALPHARETTA, GA
	7:43 AM	At local FedEx facility	ALPHARETTA, GA
	6:19 AM	At dest sort facility	HAPEVILLE, GA
Nov 8, 2006	10:50 PM	At local FedEx facility	ATLANTA, GA
	9:47 PM	Left origin	MARIETTA, GA
	9:36 PM	At dest sort facility	ATLANTA, GA
	4:52 PM	Picked up	MARIETTA, GA

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